

process. It just somehow disappears. I believe that that is an incorrect interpretation of the statute, but in order to avoid any misinterpretation of the statute there are changes made in Section 2 making it clear that a water right is only cancelled even after three years of nonuse following a hearing and an order by the Director of the Department of Water Resources. And I believe that carries out general principles of law that we would apply in any other circumstance. I don't think we would ever intend that something automatically disappear without some adjudication process taking place first, and Section 2 cures that problem, if there ever was a problem, with regard to the cancellation of water rights for three years of nonuser. Senator Beutler, as I noted, I think has given you a good explanation of the other provisions of the bill. I believe it does address a situation in an equitable way that arose for changes in use occurring prior to 1983 and, hopefully, the folks will take note of this piece of legislation and in the limited time that is available to them make application to the Department of Water Resources and carry out those transfers which really should have taken place prior to 1983 but there was no mechanism for doing it. I might note that there was one additional difficulty that the bill addresses and is really the root need for the bill and that is even if someone now applied to ratify one of those old changes in use that the Department of Water Resources, instead of honoring their request for a transfer, could very well investigate, find out that there was three years of nonuse on the original tract and cancel. So even if you applied for a transfer, you would wind up with nothing. Obviously, you were not going to apply for a transfer even when you could after 1983 if you had one of these old changes in use. The bill will clearly address that problem and I believe it is a fair solution to that difficulty. Thank you.

PRESIDENT MOUL: Thank you, Senator Wickersham. Senator Elmer.

SENATOR ELMER: Thank you, Madam President. This area of water right and its attachment to land in Nebraska is fairly unique to Nebraska. In other states, the water rights can be moved or sold at the owner's discretion of the right. I think it's a good thing that Nebraska has this like a mineral right that attaches to the land, that it does cause some of these difficulties with a particular water right attached to a 20-acre or a 40-acre plat. These kinds of adjustments, now that we are going through with the Department of Water Resources, all of the irrigation districts in the state and making sure through